IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 10020 of 2004

Between:

The Management of Executive Engineer, APSRTC, Visakhapatnam.

..... PETITIONER

AND

1 The Industrial Tribunal-cum-Labour Court, Visakhapatnam,

rep. by its Presiding Officer.
2 The President, APSRTC, Civil Engineering Dept.,

Casual labour Association, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to I.A.Nos. 78/04, 79/04 and 80/04 in I.D. No. 14/2000 on the file of the 1st respondent and quash the same by issuing appropriate writ, order or direction more particularly one in the nature of writ of certiorari.

Counsel for the Petitioner:MR.P.VINAYAKA SWAMY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr.T.S.Venkata Ramana.

The Court made the following :

-

-

-

-

-

-

-

-

-

O R D E R:

The Management of Executive Engineer, A.P.S.R.T.C., filed this Writ Petition questioning the interlocutory orders passed by the Industrial Tribunal Cum Labour Court, Visakapatnam, dated 16-04-2004, made in I.A.Nos.78, 79 and 80 of 2004 in I.D.No.14 of 2000.

The Industrial Tribunal, by the aforesaid Orders, allowed the applications filed by the second respondent for reopening of the case; for receiving certain documents and to recall a witness to give further evidence.

It is stated by the learned counsel appearing for the writ petitioner that as per the remand Order of this court made in W.P.No.5755 of 2003, dated 24-09-2004, the second respondent was not given any liberty either for reopening of the case or for filing additional documents or re-examining the witnesses. But, this Court directed only to consider all relevant documents on record.

A perusal of the operative portion of the Order in the Writ Petition discloses that while allowing the Writ Petition, the impugned order dt.16-04-2004 was set aside and the matter was remanded back to the Industrial Tribunal-cum-Labour Court, Visakhapatnam, to consider the matter afresh, after giving reasonable opportunity to both the parties and dispose of the same in accordance with Law.

I do not find any illegality in the said Orders of the Industrial Tribunal Cum Labour Court, Visakhapatnam, dated 16-04-2004.

The Writ Petition is not maintainable against the said interlocutory Orders.

The Writ Petition is accordingly, dismissed. No costs.

_____

10-08-2004

prv

.....ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam. (with records).

2 The President, APSRTC, Civil Engineering Dept.,

Casual labour Association, Visakhapatnam.

3 2 CCs to G.P. for Labour.

4 2 CD copies